

Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 7, 2010

Electronic Signature for Christopher J. Stow: /Christopher J. Stow /

Docket No.: 22956-235

(MIT-5023)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander M. Harmon et al.

Application No.: 10/729,046

Confirmation No.: 9312

Filed: December 5, 2003

Art Unit: 3774

For: VIABLE TISSUE REPAIR IMPLANTS AND
METHODS OF USE

Examiner: A. J. Stewart

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicants hereby make of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement.

Applicants also bring to the attention of the Examiner the following related applications, the prosecution of which may be relevant to the pending application:

- Appl. No. 10/775,034 of Kladakis et al. (see Office Actions dated November 30, 2006, April 30, 2007, May 7, 2007, May 2, 2008, December 11, 2008, July 29, 2009, and January 14, 2010)
- Appl. No. 10/729,046 of Harmon et al. (see Office Actions dated June 17, 2005, December 19, 2005, March 7, 2006, May 15, 2006, November 8, 2006, February 23, 2007, May 24, 2007, March 27, 2008, August 18, 2008, October 2, 2008, March 25, 2009, July 27, 2009, November 3, 2009, and Notices of Allowance dated June 15, 2010, September 29, 2010, and October 7, 2010)

- Appl. No. 10/723,982 of Binette et al., now U.S. Patent No. 7,316,822 (see Office Actions dated July 27, 2006, January 4, 2007, April 18, 2007, May 16, 2007, and Notice of Allowance dated August 17, 2007)
- Appl. No. 10/374,754 of Binette et al., now U.S. Patent No. 7,824,701 (see Office Actions dated March 24, 2006, September 1, 2006, February 26, 2007, May 15, 2007, September 1, 2007, March 18, 2008, September 16, 2008, December 4, 2008, September 9, 2009, December 18, 2009, and Notice of Allowance dated June 21, 2010)
- Appl. No. 10/374,772 of Gosiewska et al., now abandoned (see Office Actions dated April 19, 2006, September 14, 2006, May 16, 2007, December 3, 2007, February 29, 2008, September 2, 2008, February 27, 2009, June 8, 2009, January 4, 2010 and BPAI decision dated September 22, 2010)
- Appl. No. 10/828,838 of Dhanaraj et al. (see Office Actions dated May 4, 2007, December 31, 2007, March 19, 2008, June 24, 2008, October 16, 2008, March 12, 2009, July 21, 2009, October 30, 2009, March 10, 2010, September 2, 2010, October 14, 2010 and Notice of Allowance dated May 25, 2010)
- Appl. No. 11/427,477 of Dhanaraj et al. (see Office Actions dated August 8, 2008, January 15, 2009, March 24, 2009, September 28, 2009, March 10, 2010, October 19, 2010 and Notice of Allowance dated June 8, 2010)
- Appl. No. 10/610,362 of Malaviya et al. (see Office Actions dated August 9, 2005, February 3, 2006, April 14, 2006, July 31, 2006, February 5, 2007, April 12, 2007, August 8, 2007, January 28, 2008, July 11, 2008, October 10, 2008, April 28, 2009, July 13, 2009, October 15, 2009, March 26, 2010 and July 14, 2010)
- Appl. No. 09/747,488 of Bowman et al., now U.S. Patent No. 6,852,330 (see Office Actions dated October 22, 2002, March 12, 2003, July 28, 2003, February 12, 2004 and Notice of Allowance dated September 28, 2004)

- Appl. No. 10/022,182 of Melican et al., now abandoned (see Office Actions dated November 17, 2003, May 5, 2004, November 26, 2004, and June 16, 2005)
- Appl. No. 10/320,751 of Binette et al., now U.S. Patent No. 6,884,428(see Office Action dated May 3, 2004 and Notice of Allowance dated October 20, 2004)
- Appl. No. 11/280,189 of Bowman et al. (see Office Action dated September 15, 2009, March 3, 2010 and August 19, 2010)
- Appl. No. 10/638,562 of Binette et al. (see Office Actions dated December 9, 2005, August 23, 2006, November 9, 2006, January 11, 2007, July 9, 2007, September 26, 2007, January 11, 2008, October 9, 2008, January 28, 2009, June 19, 2009, January 15, 2010, and April 22, 2010)
- Appl. No. 11/947,384 of Binette et al (see Notice of Allowance dated September 13, 2010)
- Appl. No. 10/458,615 of Melican et al., now abandoned (see Office Actions dated September 27, 2005, February 22, 2006, May 31, 2006, November 27, 2006, and May 30, 2007)

Applicants have become aware of a European Search report issued during the prosecution of a corresponding European Application, EP Application No. EP 10075307. In accordance with 37 CFR 1.97(d) and (e)(1), Applicants hereby submit the European Search report and WO 02062357 for the Examiner's consideration. A copy of the European Search report is submitted herewith as required under 37 CFR 1.98(a)(2).

Applicants have also become aware of a reference cited in a European Patent Office communication during the opposition proceeding of a corresponding European Application, EP Application No. EP 01310810.5. In accordance with 37 CFR 1.97(d) and (e)(1), Applicants hereby submit a copy of WO 9905992, but do not submit a copy of the EP communication.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicants hereby petition that the Information Disclosure Statement be considered.

I hereby certify, pursuant to 37 CFR 1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Payment in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is being charged to our Credit Card via EFS Web. The Director is hereby authorized to charge any deficiency in the fees filed with this paper, asserted to be filed with this paper, or which should have been filed with this paper to our Deposit Account No. 141449, under Client/Matter No. 022956-0235.

Dated: December 7, 2010

Respectfully submitted,

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